

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 144 be amended to read as follows:

- 1 Page 4, after line 2 , begin a new paragraph and insert:
- 2 "SECTION 4. IC 35-44-3-9 , AS AMENDED BY P.L.243-1999,
- 3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JANUARY 1, 2001 (RETROACTIVE)]: Sec. 9. (a) As used in this
- 5 section, "juvenile facility" means the following:
- 6 (1) A secure facility (as defined in IC 31-9-2-114 ) in which a
- 7 child is detained under IC 31 or used for a child awaiting
- 8 adjudication or adjudicated under IC 31 as a child in need of
- 9 services or a delinquent child.
- 10 (2) A shelter care facility (as defined in IC 31-9-2-117 ) in which
- 11 a child is detained under IC 31 or used for a child awaiting
- 12 adjudication or adjudicated under IC 31 as a child in need of
- 13 services or a delinquent child.
- 14 (b) A person who, without the prior authorization of the person in
- 15 charge of a penal facility or juvenile facility knowingly or
- 16 intentionally:
- 17 (1) delivers, or carries into the penal facility or juvenile facility
- 18 with intent to deliver, an article to an inmate or child of the facility;
- 19 (2) carries, or receives with intent to carry out of the penal facility
- 20 or juvenile facility, an article from an inmate or child of the
- 21 facility; or
- 22 (3) delivers, or carries to a ~~work site~~ **worksite** with the intent to

1 deliver, alcoholic beverages to an inmate or child of a jail work  
2 crew or community work crew;  
3 commits trafficking with an inmate, a Class A misdemeanor.  
4 However, the offense is a Class C felony if the article is a controlled  
5 substance or a deadly weapon.

6 **(c) It is a defense to a charge under subsection (b)(1) that**  
7 **the article delivered to an inmate or child is:**

8 **(1) not contraband or prohibited property (as**  
9 **defined in IC 11-11-2-1 );**

10 **(2) necessary for the health or safety of the inmate**  
11 **or child; and**

12 **(3) delivered because the facility has not provided**  
13 **the inmate or child with the article after the**  
14 **inmate, the child, or an employee of the facility has**  
15 **requested the article.**

16 **SECTION 5. [EFFECTIVE JULY 1, 2003] An employee of a penal**  
17 **facility who has been the subject of an adverse employment**  
18 **decision based on a violation of IC 35-44-3-9 (b)(1) involving the**  
19 **delivery of an article that is not contraband or prohibited property**  
20 **(as defined in IC 11-11-2-1 ) after January 1, 2002, and before July**  
21 **1, 2003, is entitled to a redetermination of any employment action**  
22 **taken in response to the violation, including but not limited to a**  
23 **rehearing or reinstatement."**

24  
25 Renumber all SECTIONS consecutively.

(Reference is to ESB 144 as reprinted April 8, 2003.)

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Representative MAHERN